UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ART UNIT	PAPER NUMBER
3691	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/757,771	CHEHADE ET AL.
	Examiner	**Art Unit**	
	GREGORY JOHNSON	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>20 March 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>26-47,51,52 and 61-63</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>26-47,51,52 and 61-63</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>09 January 2001</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the reply dated March 16, 2007 (file date March 20,

2007). Claims 26-47, 51-52 and 61-63 are presented for examination. Claims 26-49,

37, 43-44 and 51 are amended, Claims 61-63 are new, and Claims 1-25, 48-50 and 53-

60 have previously been canceled.

2.   In view of Applicant's amendment, the Examiner withdraws the grounds for

rejection of Claims 26-47 and 51-52 under 35 U.S.C. 102(e). However, new grounds of

rejection of Claims 26-47, 51-52 and 61-63 necessitated by Applicant's amendment are

established in the instant office action as set forth in detail below.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

4.   Claims 36 and 52 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention.

As to Claim 36, the Examiner found no description for "service acquisition data."

For examination purposes, the Examiner will interpret "service acquisition data" to be

data related to, for example, installation and/or maintenance related information (i.e.

costs, deliverables, schedules, etc).

As to Claim 52, the Examiner found no description for "predefined format."

For examination purposes, the Examiner will interpret "predefined format" to equate to

the Applicant's description of "format" as described in the following passage (see

Specification, page 9, lines 17-21 and page 10, lines 1-67):

> The process management platform is configured to provides a multiplicity of services and ensure that
> business process data and messages are transmitted from one trading participant to another in a
> uniform format that is understood by each trading participant involved in the transaction. If different
> trading participants utilize inconsistent formats, the process management platform converts the
> business process data or message to a format understood by the trading participant. If the business
> process data or message sent from one trading participant to another is already in the appropriate
> format (e.g., the data originated in a designated standard or was converted at the process gateway),
> the business process data or message is processed by the process management platform and
> forwarded to the receiving trading participant.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

6.   Claims 26-33, 37-47, 51-52 and 61-63 are rejected under 35 U.S.C. 102(e) as

being anticipated by Stewart et al. (hereinafter Stewart), Pat. No. 7,051,071.

        As to claim 26, Stewart discloses a computer program product comprising:

        a computer readable medium having computer readable program code embodied

therein, said computer readable program code (i.e. computer software) (col. 5, lines 18-

28) configured to:

        obtain a first business process data from at least one first trading participant (i.e.

trading partner), said first business process data comprising a set of transaction

messages having a first data format in accordance with a first protocol for conducting

business transactions used by said at least one first trading participant (col. 13, lines 63-

67 and col. 14, lines 1-13);

        process said first business process data at a process management platform (e.g.

collaboration server) accessible via an interconnection fabric (e.g. collaboration hub),

wherein said process management platform is configured to manage the flow of said

transaction messages and monitor said transaction messages (col. 9, lines 22-40 and

col. 11, 38-65), wherein said process management platform is configured to

automatically determine a second at least one of a plurality of second trading

participants (e.g. sending trader partner) to satisfy said first business process data (col.

14, lines 7-46; and claims and 7 and 14);

identify a second protocol for conducting said business transactions used by said

at least one of a plurality of second trading participants (col. 14, lines 4-46; and claims

and 7 and 14);

generate a second business process data from said first business process data,

the second business process data comprising a set of transaction messages having a

data format in accordance with said identified second protocol (col. 14, lines 4-46; and

claims and 7 and 14); and

transmit said second business process data from said process management

platform to said at least one of said plurality of second trading participants, such that

said first and second trading participants conduct said business transactions in

accordance with their respective protocols for conducting business transactions (col. 14,

lines 4-46; and claims and 7 and 14).

As to claim 27, Stewart discloses the computer program product of claim 26

wherein said computer readable program code configured to obtain said first business

process data executes at a process gateway (col. 13, lines 1-62 and col. 27, lines 33-

58).

As to claim 28, Stewart discloses the computer program product of claim 27

wherein said process gateway interfaces with at least one legacy system (e.g. electronic

data interchange, (EDI)) of one or both of said at least one first trading participant and

said at least one of said plurality of second trading participants (col. 3, lines 41-52; col.

8, lines 13-40; and col. 10, lines 16-26).

As to claim 29, Stewart discloses the computer program product of claim 26

wherein said process management platform broadcasts said first business process data

to said plurality of second trading participants (col. 13, lines 63-67).

As to claim 30, Stewart discloses the computer program product of claim 26

further comprising:

computer readable program code configured to modify said first business

process data to conform said first business process data to a uniform format (col. 14,

lines 40-42).

As to claim 31, Stewart discloses the computer program product of claim 26

wherein said processing further comprises:

archiving said first business process data in a storage medium (e.g. repository)

(col. 14, lines 21-22 and col. 21, lines 10-25).

As to claim 32, Stewart discloses the computer program product of claim 31

further comprising:

computer readable program code configured to provide said archived first

business process data to an entity for non-repudiation purposes (col. 10, lines 1-14).

As to claim 33, Stewart discloses the computer program product of claim 26 wherein said first business process data comprises at least one partner interface process (col. 14, 4-46).

As to claim 37, Stewart discloses the computer program product of claim 26 wherein said at least one first trading participant comprises an entity utilizing said first business process data (col. 12, lines 1-38).

As to claim 38-41, Stewart discloses the computer program product of claim 37 wherein said entity comprises a purchaser (col. 12, lines 1-38),

wherein said entity comprises a supplier (col. 12, lines 1-38),

wherein said entity comprises a distributor (col. 12, lines 1-38),

wherein said entity comprises a manufacturer (col. 12, lines 1-38).

As to claim 42, Stewart discloses the computer program product of claim 37 wherein said process management platform comprises a plurality of distributed systems (col. 8, lines 60-67, col. 9, lines 22-40 and col. 18, lines 50-59).

As to claim 43, Stewart discloses the computer program product of claim 37 wherein said process management platform comprises a business process interface associated with said at least one first trading participant and said at least one of a plurality of second participants (col. 13, lines 63-67 and col. 14, lines 1-46).

As to claim 44, Stewart discloses the computer program product of claim 37 further comprising:

computer readable program code configured to provide said at least one first trading participant and said at least one of a plurality of second trading participants access to a business process interface (i.e. a communications path is established between two trading partners for the exchange of messages) (column 14, lines 4-67 and columns 15-17).

As to claim 45, Stewart discloses the computer program product of claim 44 wherein said business process interface is provided via a web browser (e.g. administration console and user interface) (col. 24, lines 26-43).

As to claim 46, Stewart discloses the computer program product of claim 44 wherein said business process interface facilitates the transmission of data comprising at least a portion of said business process data (column 14, lines 4-67 and columns 15-17).

As to claim 47, Stewart discloses the computer program product of claim 44 wherein said business process interface facilitates the formatting of data comprising at least a portion of said business process data (column 14, lines 4-67 and columns 15-17).

As to claim 51, Stewart discloses a computer program product comprising:

a computer readable medium having computer readable program code (i.e.

software) for managing a plurality of business processes (col. 5, lines 18-67) , said

computer readable program code configured to:

obtain a plurality of business processes from a plurality of first entities wherein

said plurality of business processes comprises a sequence of messages linked by a

predefined workflow and exchanged over a predefined period of time (col. 5, lines 18-67

and col. 6, lines 1-8);

manage said plurality of business processes at a process management platform

(e.g. collaboration server) (col. 11, lines 38-65);

forward said plurality of business processes from said process management

platform to at least one of a plurality of second entities automatically determined to be

configured to fulfill said plurality of business processes (col. 13, lines 63-67 and col. 14,

lines 1-46).

As to claim 52, Stewart discloses the computer program product of claim 51

wherein said computer readable code configured to manage said plurality of business

processes at said process management platform further comprises computer readable

program code configured to:

format each of said plurality of business processes to conform to a predefined

format when said plurality of business processes does not conform to said predefined

format (col. 14, lines 4-51);

archive (e.g. in a repository) said plurality of business process (col. 14, lines 21-22 and col. 21, lines 10-25).

As to claim 61, Stewart discloses the computer program product of claim 26, wherein said computer program code configured to identify said second protocol for conducting business transactions used by said at least one of a plurality of second trading participants further comprises computer program code configured to determine whether said second protocol for conducting business transactions used by said at least one of a plurality of second trading participants is other than said first protocol for conducting business transactions used by said at least one first trading participant (col. 13, lines 41-43; col. 14, lines 4-51; and Claims 7-8 and 14-15).

As to claim 62, Stewart discloses the computer program product of claim 61, wherein said first protocol for conducting business transactions used by said at least one first trading participant is other than said second protocol for conducting business transactions used by said at least one of a plurality of second trading participants (col. 13, lines 41-43; col. 14, lines 4-51; and Claims 7-8 and 14-15).

As to claim 63, Stewart discloses the computer program product of claim 61, wherein said first protocol for conducting business transactions used by said at least one first trading participant is said second protocol for conducting business transactions

used by said at least one of a plurality of second trading participants (col. 13, lines 41-

43; col. 14, lines 4-51; and Claims 7-8 and 14-15).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

  1.   Determining the scope and contents of the prior art.
  2.   Ascertaining the differences between the prior art and the claims at issue.
  3.   Resolving the level of ordinary skill in the pertinent art.
  4.   Considering objective evidence present in the application indicating
          obviousness or nonobviousness.

9.   Claims 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Stewart.

        As to claims 34-36, Stewart does not explicitly disclose the computer program

product of claim 26 wherein said first business process data comprises technical

information (e.g. specifications, size, dimensions, etc); item acquisition data (e.g.

number of units, price, delivery date, etc); and service acquisition data (e.g. repair cost,

installation cost, etc).

However, Stewart does disclose the support of business transaction protocols

such as RosettaNet and EDI. RosettaNet includes a Partner Interface Process (PIP)

that can be used to obtain the business process data comprising of technical

information, item acquisition data, and service acquisition data (col. 10, lines 16-26 and

54-64; col. 18, lines 60-67; col. 27, lines 59-67; and columns 28-30).

Official notice is hereby taken that business process data comprising of technical

information, item acquisition data, and service acquisition data are old and well known

in the art. It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Stewart to include these limitations. One would have been motivated

to do so in order to provide examples of the type of data that can be acquired by a

business transaction protocol, such as PIP.

Response to Arguments

10.   Applicant's arguments with respect to claims 26-47, 51-52 and 61-63 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to GREGORY JOHNSON whose telephone number is

(571) 272-2025. The examiner can normally be reached on Monday - Friday, 8:30AM -

5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, ALEXANDER KALINOWSKI can be reached on (571) 272-6771. The fax

phone number for the organization where this application or proceeding is assigned is

571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GREGORY JOHNSON
Examiner
Art Unit 3691

LALITA M. HAMILTON
PRIMARY EXAMINER